



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

US EPA RECORDS CENTER REGION 5



431477

MAR 22 2012

REPLY TO THE ATTENTION OF:

SC-5J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mill's Pride, LP
Mr. Chris Winans
Vice President of Operations
15535 South State Avenue
P.O. Box 1055
Middlefield, Ohio 44062

RE: Miller Salvage, 1617 Laparrell Road, Latham, Ohio, Site ID # B5GD
Demand Letter

Dear Sir:

The United States Environmental Protection Agency (EPA) in cooperation with the Ohio Environmental Protection Agency, has been conducting response actions to address contamination at the Miller Salvage Site in Latham, Ohio. EPA took these actions under authority of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. § 9601 *et seq.*, as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), Pub. L. 99-499 100 Stat. 1613 (1986). Prior to undertaking these response actions, EPA determined that there was a release or threatened release of hazardous substances from the Miller Salvage Site. The EPA undertook the response actions using monies authorized by CERCLA, as amended.

During the response, EPA undertook several actions at the Site. They included the following:

1. Coordinated site investigation and file review with Ohio EPA;
2. Conducted site assessment activities; and
3. Conducted oversight of voluntary cleanup action by several potentially responsible parties.

Response costs associated with this Site have been incurred by EPA. The approximate EPA response costs identified up to December 31, 2011 for the above referenced Site are \$282,921.61.

A summary dated February 9, 2012 is enclosed.

Information available to EPA indicates among other things that you are potentially responsible for the release, or threat of release, of hazardous substances from the Site. Pursuant to the provisions of Section 107(a) of CERCLA, and based on evidence currently available to the Agency, EPA believes that you may be liable for the payment of all costs incurred by EPA in connection with the Site. The potentially responsible parties (PRPs) are jointly and severally liable for the whole amount. Partial payments will not release the payor of liability for payment of the rest of the costs that are owed to EPA. Limiting language on the check or in accompanying letters will be considered to be advisory only and will not be considered as placing conditions on the amount paid or as limiting liability on other costs demanded in this letter.

Such payment must be made by a cashier's or certified check made payable to the "U.S. EPA Hazardous Substance Superfund", which is established by the Internal Revenue Code, 26 U.S.C. § 9507, and administered by EPA. Please send your check to U.S. EPA, Superfund Payments, Cincinnati Finance Center, P.O. Box 979076, St. Louis, Missouri 63197-9000. Place the following Site Identification Number on the check: Site ID #B5GD. Please send a copy of your payment check to Mr. Thomas Marks, Chief, Enforcement Services Section 1, U.S. EPA, Region 5, Superfund Division (SE-5J), 77 W. Jackson Boulevard, Chicago, Illinois 60604, and to Ms. Nola Hicks, Associate Regional Counsel, Office of Regional Counsel, U.S. EPA, Region 5 (C-14J), 77 W. Jackson Boulevard, Chicago, Illinois 60604.

We hereby demand that you make restitution by payment of the amount in this letter expended by the Agency in connection with the Site pursuant to authority of CERCLA, as amended. Pursuant to Section 107(a) of CERCLA, as amended, interest shall begin accruing as of the date of this demand, if payment is not received within thirty (30) days of the date of this letter.

If you desire to discuss your liability with EPA, please contact Ms. Nola Hicks, Assistant Regional Counsel, in writing no later than thirty (30) days after the date of this letter. Ms. Hicks may also be reached by phone at (312) 886-7949. If we do not receive a response from you within this time frame, EPA will assume that you have declined to reimburse the Fund for the Site expenditures, and pursuant to CERCLA, EPA may pursue civil litigation against you to recover all of its costs, with interest.

Sincerely,



Sharon Jaffess, Chief
Enforcement and Compliance Assurance Branch

Enclosure

cc: Mark A. Norman

Vorys, Sater, Seymour and Pease LLP

Itemized Cost Summary

MILLER SALVAGE, LATHAM, OH SITE ID = B5 GD

Cumulative Un-recoverd Costs through 12/31/2011

REGIONAL PAYROLL COSTS	\$40,957.52
REGIONAL TRAVEL COSTS	\$1,047.41
SUPERFUND TECH. ASSISTANCE & RESPONSE TEAM (START)	
STN ENVIRONMENTAL JOINT VENTURE (EPS50603)	\$162,077.40
WESTON SOLUTIONS, INC. (EPS50604)	\$10,147.54
TECHNICAL SERVICE AND SUPPORT	
ASRC MANAGEMENT SERVICES, INC. (EPW05052)	\$224.14
SCIENCE APPLICATIONS INT'L CORP. (GSF0076J)	\$1,565.74
EPA INDIRECT COSTS	\$133,462.18
TOTAL SITE COSTS BEFORE COST RECOVERY COLLECTIONS	\$349,481.93
COLLECTIONS/ADJUSTMENTS	(\$66,560.32)
Total Site Costs:	<u><u>\$282,921.61</u></u>